



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,557	09/03/1999	SHIGEYUKI SANO	7217/59652	5566

7590 10/15/2002

JAY H MAIOLI
COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/389,557

Applicant(s)

SANO ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 09/09/2002 has been entered and it amended claims 1 and 9.

Response to Arguments

2. Applicant's arguments filed 09/09/2002 have been fully considered but they are not persuasive to overcome the 35 USC 112 first paragraph rejection for the reasons illustrated below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Amended lines 8-10 of claim 1 and amended lines 13-15 of claims 1 and 9 are not supported by the originally filed specification. The non-supported limitations are illustrated below in a marked up copy of claims 1 and 9.

Art Unit: 2672

Claim 1:

1. (Thrice Amended) A control apparatus having a first command means to increase at a predetermined speed from an initial speed a first parameter and a second command means to increase at said predetermined speed from said initial speed a second parameter when activated and responsive to the alternate activation of said first and second command means, said control apparatus comprising:

means for increasing at said predetermined speed said first and second parameters when one of said first command means and said second command means is activated continuously;

means for judging similarity of alternate actions made by said first and second command means;
and

means for maintaining said predetermined speed of increase of said second parameter equal to said first parameter when said first and second command means are alternately activated and said similarity is found by said means for judging similarity and for returning to said initial speed of when said similarity is not found.

Claim 9:

9. (Thrice Amended) A control method using a first command means to increase at a predetermined speed from an initial speed a first parameter and a second command means to increase at said predetermined speed from said initial speed a second parameter when activated and responsive to the alternate activation of said first and second command means, said control method comprising the steps of:

increasing at said predetermined speed one of said first and second parameters when one of said first and second command means is activated continuously;

judging similarity of alternate actions made by said first and second command means; and

maintaining said predetermined speed of increase of said second parameter equal to said first parameter when said first and second command means are alternately activated and said similarity is found by said step of judging similarity and for returning to said initial speed when said similarity is not found.

It is clear from applicants specification that applicants invention:

1) increases at a predetermined speed a first parameter (described horizontal or vertical movement of sub screen) in response to continuous activation of a first

Art Unit: 2672

command means (up and down buttons or left and right buttons of figure 2A or horizontal or vertical directions of figure 2B Joystick);

2) increases at a predetermined speed a second parameter (described vertical or horizontal movement of sub screen) in response to continuous activation of a second command means (left and right buttons or up and down buttons of figure 2A or vertical or horizontal directions of figure 2B Joystick);

3) increases at a predetermined speed the first and second parameters when a diagonal maneuver is made (figure 5B); and

4) the increase is continued even if the first or second command means activation is ceased while the second or first command means becomes activated as illustrated in figure 3B and described at page 7 lines 4-20 of the specification; and

5) the control is returned to the initial value when first and second command means activation ceases or is judgment is made that the activation is non-similar described at page 8 lines 11-14 of the specification.

Therefore the originally filed specification does not convey that applicant had possession of:

increasing at said predetermined speed said first and second parameters when one of said first command means and said second command means is activated continuously (emphasis added); and

maintaining said predetermined speed of increase of said second parameter (for example vertical movement) equal to said first parameter (horizontal movement).

Art Unit: 2672

Claim Objections

5. Claim 1 is objected to because of the following informalities: at line 17 "of" should be deleted. Appropriate correction is required.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Art Unit: 2672

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

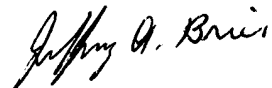
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
Art Unit 2672